

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL REVISION APPLICATION NO.540 OF 2003.

Kedia kChemical Industries Ltd.

....

Petitioners.

V/s

Mr.Lakhpat M. Bhandari....

... Respondent.

[Mr.A.H. Punwani](#) (absent) for the petitioner.

CORAM: [R.M.S. KHANDEPARKAR, J.](#)

16-12-2004

PC:

None present.

Perused the records. Petitioner challenges the order dated 7.7.2003 passed by the City Civil Court in S.C. Suit No.5577 of 1991 whereby the application for adjournment of the hearing was granted subject to payment of cost of Rs.1000/- to be paid on or before next date of hearing i.e. 24.7.2003 with further observation that no further adjournment would be granted and in case any such request is made the matter would proceed in terms of provisions of law comprised under Rule 17 Order 2 whereby the evidence of the petitioner would be closed.

2. The various grounds taken by the petitioner to challenge the impugned order apparently disclose that even on the earlier occasion the matter was sought to be adjourned and the party was made to pay costs on account of such adjournment granted in the matter. It is apparent therefore that despite of adjournments having been taken without any justification the petitioner continued to ask for adjournment of hearing in the matter and therefore the Court below had ordered payment of costs of Rs.1000/- while granting adjournment as last opportunity to the petitioner to lead evidence. It is well settled that the adjournment of matter is not a matter of right to the party. In order to seek adjournment party has to disclose sufficient cause for seeking adjournment and on being satisfied about the genuineness of the case the Courts can adjourn the matter. Such an order is always in the discretion of the Court. From the facts disclosed in the petition it is apparent that the trial Court has exercised its discretion judicially by imposing costs of Rs.1000/- granting adjournment in the matter on 5.7.2003 and further warning the petitioner that no further adjournment would be granted in the matter. There is absolutely no case made out for interference in such an order and on the other hand while dismissing the petition it is necessary to impose further cost upon the petitioner. Hence in the facts and circumstances of the case and there being no ground disclosed for interference in the impugned order in exercise of powers under section 115 of Code of Civil Procedure petitioner is rejected with costs of Rs.1000/-.